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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,540	11/07/2003	Vincent So	79865-5 Jaba	8250
7380 SMART & BIGGAR P.O. BOX 2999, STATION D 900-55 METCALFE STREET OTTAWA, ON K1P5Y6 CANADA			EXAMINER AGWUMEZIE, CHARLES C	
			ART UNIT 3685	PAPER NUMBER
			MAIL DATE 06/30/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/702,540

**Applicant(s)**

SO, VINCENT

**Examiner**

CHARLES C. AGWUMEZIE

**Art Unit**

3685

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1, 4-23, 34-36 and 38-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) 1, 4-23, 34-36, and 38-53 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 7, 2008 has been entered.

## **Election/Restrictions**

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1, 4-14, 45-46; 15; and 38-39, 49-51, are drawn to a method of delivering data content from a data content provider comprising causing the key to be destroyed at the customer processing platform only after at least the next key of the plurality of decryption keys has been received, classified in class 725, subclass 31.
  - II. Claims 16-23, are drawn to a method of receiving and controlling playback of data content comprising: destroying the decryption key only after completing playback of the encrypted section and beginning playback of the next encrypted section classified in class 726, subclass 27.

- III. Claims 34, and 47, are drawn to a method for controlling use of encrypted data comprising customer verification information, classified in class 705, subclass 75.
- IV. Claims 35-36, 48 and 40-43, 52-53, are drawn to a computer readable medium storing software code comprising obtaining permission to use data content, classified in class 705, subclass 59.

The inventions are distinct, each from the other because of the following reasons:

- 3. Inventions I, and II, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable (MPEP § 806.05 (c)). In the instant case, invention I has separate utility such as a method of delivering data content from a data content provider comprising causing the key to be destroyed at the customer processing platform only after at least the next key of the plurality of decryption keys has been received. Invention II has separate utility such as a method of receiving and controlling playback of data content comprising: destroying the decryption key only after completing playback of the encrypted section and beginning playback of the next encrypted section. Furthermore the combination of group I and II, as claimed does not require the particulars of the subcombination as claimed because causing the key to be destroyed at the customer processing platform only after at least the next key of the plurality of decryption keys has been received could be performed without necessary need for

destroying the decryption key only after completing playback of the encrypted section and beginning playback of the next encrypted section.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because the search required for one group is not required for another group, restriction for examination purposes as indicated is proper.

5. Inventions I, and III, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a method of delivering data content from a data content provider comprising causing the key to be destroyed at the customer processing platform only after at least the next key of the plurality of decryption keys has been received. Invention III has separate utility such as a method for controlling use of encrypted data comprising customer verification information.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because the search required for one group is not required for another group, restriction for examination purposes as indicated is proper.

7. Inventions I, and IV, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a method of delivering data content from a data content provider comprising causing

the key to be destroyed at the customer processing platform only after at least the next key of the plurality of decryption keys has been received. Invention IV has separate utility such as a computer readable medium storing software code comprising obtaining permission to use data content.

8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because the search required for one group is not required for another group, restriction for examination purposes as indicated is proper.

9. Inventions II, and III, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II has separate utility such as a method of receiving and controlling playback of data content comprising: destroying the decryption key only after completing playback of the encrypted section and beginning playback of the next encrypted section. Invention III has separate utility such as a method for controlling use of encrypted data comprising customer verification information MPEP § 806.05(d).

10. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because the search required for one group is not required for another group, restriction for examination purposes as indicated is proper.

11. Inventions II, and IV, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if

they are shown to be separately usable. In the instant case, Invention II has separate utility such as a method of receiving and controlling playback of data content comprising: destroying the decryption key only after completing playback of the encrypted section and beginning playback of the next encrypted section. Invention IV has separate utility such as a computer readable medium storing software code comprising obtaining permission to use data content MPEP § 806.05(d).

12. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because the search required for one group is not required for another group, restriction for examination purposes as indicated is proper.

13. Inventions III, and IV, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention III has separate utility such as a method for controlling use of encrypted data comprising customer verification information. Invention IV has separate utility such as a computer readable medium storing software code comprising obtaining permission to use data content MPEP § 806.05(d).

14. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because the search required for one group is not required for another group, restriction for examination purposes as indicated is proper.

15. Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 C.F.R. §1.143).

16. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

17. Applicants are being afforded the courtesy of a written response due to the complexity of the case.

### ***Conclusion***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on **(571) 272 – 6779**.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For



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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C Agwumezie/  
Primary Examiner, Art Unit 3685  
June 23, 2008